

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 1264							
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>11/17/2011</u></p> <p>Signature <u>/Jamie Cameron/</u></p> <p>Typed or printed name <u>Jamie Cameron</u></p>		<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 2px;">Application Number 09/477,991</td><td style="width: 50%; padding: 2px;">Filed 01/05/2000</td></tr><tr><td colspan="2" style="padding: 2px;">First Named Inventor Bryce A. Jones</td></tr><tr><td style="padding: 2px;">Art Unit 2457</td><td style="padding: 2px;">Examiner Barbara N. Burgess</td></tr></table>		Application Number 09/477,991	Filed 01/05/2000	First Named Inventor Bryce A. Jones		Art Unit 2457	Examiner Barbara N. Burgess
		Application Number 09/477,991	Filed 01/05/2000						
		First Named Inventor Bryce A. Jones							
Art Unit 2457	Examiner Barbara N. Burgess								
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>									
<p>I am the</p> <table style="width: 100%;"><tr><td style="width: 50%; vertical-align: top;"><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>64,134</u></p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></td><td style="width: 50%; vertical-align: top;"><p><u>/Brian L. Arment/</u> _____ Signature</p><p><u>Brian L. Arment</u> _____ Typed or printed name</p><p><u>(720) 562-2280</u> _____ Telephone number</p><p><u>11/17/2011</u> _____ Date</p></td></tr></table>		<p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>64,134</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>	<p><u>/Brian L. Arment/</u> _____ Signature</p> <p><u>Brian L. Arment</u> _____ Typed or printed name</p> <p><u>(720) 562-2280</u> _____ Telephone number</p> <p><u>11/17/2011</u> _____ Date</p>	<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>					
<p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>64,134</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>	<p><u>/Brian L. Arment/</u> _____ Signature</p> <p><u>Brian L. Arment</u> _____ Typed or printed name</p> <p><u>(720) 562-2280</u> _____ Telephone number</p> <p><u>11/17/2011</u> _____ Date</p>								
<p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>									

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bryce A. Jones

Confirmation No.: 1039

Application No.: 09/477,991

Group No.: 2457

Filed: January 5, 2000

Examiner: Barbara N. Burgess

For: METHOD AND APPARATUS FOR PROCESSING WEB CALLS IN A WEB CALL
CENTER

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P. O. Box 1450
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

In response to the final Office action dated 08/17/2011 and the advisory action dated 10/24/2011, the Applicant requests review of the Final Rejection in the above-identified application. No amendments are being filed with this request. A Notice of Appeal under 37 C.F.R. § 41.31(a)(1) is being filed herewith. The review is requested for the reasons provided in the following remarks.

REMARKS

Claims 166-185 are pending in the application. Claims 166-185 currently stand rejected. The Applicant respectfully requests consideration of the following remarks and allowance of the claims.

35 U.S.C. § 102 Rejection

Claims 166-167, 169-172, 176-177, and 179-182 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,687,241 (hereinafter “Goss”). The present rejection mischaracterizes the Goss reference, and thus represents clear error. The Applicant therefore respectfully disagrees with the rejection, as discussed in more detail below, and appropriate review is requested.

Goss fails to teach that a cookie included in a voice call *originating* from a user device is processed to route the voice call from the user device to a first call center resource, as is taught by claim 166.

Rather, Goss teaches that a web server maintains a session with a customer web browser over the Internet using cookies or other session maintenance technology so that the web server can identify the customer for the purposes of matching a call-back request to a qualified agent and keeping track of the requesting customer (see final OA, p. 14; Goss col. 7, lines 62-67). Even if the call-back request includes a cookie, once the cookie is used to match the request to an agent, the agent then calls the customer back using any form of communication, such as by placing a standard telephone call to a number provided by the customer (see Goss, Abstract). The call-back request is not a voice call itself but, instead, is merely a request that is submitted through a web site (see Goss, Fig. 7) for a call to be placed back to the customer by the agent.

Therefore, the cookies in Goss used in the process of requesting that a call *originating from the agent* (first call center resource) be placed to the customer (user device), and not used to route a voice call *originating from a user device* to a first call center resource, as provided by claim 166.

Based on the foregoing comments, the final Office action’s assertion that Goss teaches that a cookie included in a voice call *originating* from a user device is processed to route the voice call from the user device to a first call center resource is incorrect and, thus, represents clear error. Claim 166 is therefore allowable in view of the cited reference, and such indication

is respectfully requested. Independent claim 176 contains limitations similar to those of claim 166, and is therefore allowable over the art of record for at least the same reasons as claim 166.

Claim 167, similar to claim 166, generating a second routing instruction indicating a second route for the voice call *originating* from the user device to the second call center resource. Goss does not teach these limitations.

Instead, as stated in the arguments above, any voice call made in Goss is place from an agent to a customer in response to the customer requesting a call via a web site (see Goss, Abstract). Therefore, even if Goss teaches transferring the call to a different agent as asserted by the final Office action (see final OA, p.16), the transferred call still originated from the original agent and not from the user device, as provided by claim 1.

Based on the foregoing comments, the Applicant contends that claim 167 is allowable in view of the cited reference, and such indication is respectfully requested. Dependent claim 177 contains limitations similar to those of claim 167, and is therefore allowable over the art of record for at least the same reasons as claim 167.

35 U.S.C. § 103 Rejection

Claims 168 and 178 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Goss in view of U.S. Patent No. 6,836,476 (hereinafter “Dunn”). The present rejection mischaracterizes at least the Dunn reference, and thus represents clear error. The Applicant therefore respectfully disagrees with the rejection, as discussed in more detail below, and appropriate review is requested.

Claim 168 requires that the voice call comprise a Get Document request in Hyper Text Transfer Protocol (HTTP). The final Office action admits that Goss fails to teach these limitations (Office action, p. 8, third paragraph). Dunn is provided as teaching these aspects.

However, the final Office action misinterprets the limitations of claim 168. Specifically, the Applicant respectfully points out that, as is well known in the art, a Get request is a specific type of request that is *explicitly included in the parameters HTTP*. Other examples of requests in HTTP include Head, Post, Delete, and Put, among others. Accordingly, claim 168 provides that the voice call is a Get Document request in HTTP.

In contrast, as acknowledged by the final OA, Dunn merely discloses using VoIP to request service from a drug store, including ordering a prescription and getting directions (see

final OA, p. 16). In other words, a customer's voice is used to request something from a drug store over a VoIP connection. The customer's voice is not a protocol level request much less a Get Document request of HTTP, as is taught by claim 168. Therefore, the final Office action's assertion that Dunn overcomes the deficiencies of Goss regarding the limitations of claim 168 is incorrect and, thus, represents clear error.

Based on the foregoing comments, the Applicant contends that claim 168 is allowable in view of the cited reference, and such indication is respectfully requested. Dependent claim 178 contains limitations similar to those of claim 168, and is therefore allowable over the art of record for at least the same reasons as claim 168.

While separately allowable over the art of record, the remaining dependent claims depend from otherwise allowable independent claims. The Applicant therefore refrains from a discussion of the remaining dependent claims for the sake of brevity.

CONCLUSION

Based on the above remarks, the Applicant submits that the claims in their present form are allowable over the art of record.

The Applicant hereby authorizes the Office to charge Deposit Account No. 21-0765 the appropriate fee under 37 C.F.R. § 41.20(b)(1) for the Notice of Appeal filed herewith. The Applicant believes no additional fees are due with respect to this filing. However, should the Office determine that additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765, accordingly.

Respectfully submitted,

/Brian L. Arment/

SIGNATURE OF PRACTITIONER

Brian L. Arment, Reg. No. 64,134

Setter Roche LLP

Telephone: (720) 205-1906

E-mail: brian@setterroche.com

Correspondence address:

CUSTOMER NO. 28004

Attn: Melissa A. Jobe

Sprint

6391 Sprint Parkway

Mailstop: KSOPHT0101-Z2100

Overland Park, KS 66251-2100